REMARKS

Claims 1-17 are pending in the action. Claims 1 and 9 have been amended to correct typographical errors.

The Office objects to claim 1 stating that the word "comprising" or "comprises" should be added to the end of the second paragraph. The Applicant does not understand this request, and to the extent that the request is understood respectfully disagrees. If the Office is referring to the paragraphs reciting an input device, there is no need for the term "comprising" as nothing further is being added to this element. Upon review of the claim, Applicant noted that the word "computer" was inadvertently included in the clause during the prior amendment. This term has been striken from the claim. Applicant believes that this modification has now clarified the claim, and asserts that the change is not related to patentability.

The Office rejects claims 1-8, 12 and 14-17 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,680,470 to Moussa. The Applicant respectfully disagrees and traverses this rejection.

The Moussa reference is directed to a signature verification method. In Moussa, a test signature is entered, may be preprocessed and examined for "test features". The test features may be compared to features of a previously stored set of template signatures and verification is made as to whether the test features are present in an input signature.

The Office states that the Moussa reference discloses a data receiving device having a user computer, the user computer having "a display device (Fig. 1, element 105) and a pointer that defines locations on the display device (Fig. 1, element 104)". The Office states that the input device (Fig. 1, element 102) is configured to control the pointer in the computer and move the pointer in a continuous path on the display device. The Applicant respectfully disagrees.

The input device 102 in Moussa "for receipt of an input signature 103" includes "a writing implement 104 and a pressure plate 105". Col. 2, lines 39-40. The language of claims 1 and 5 requires that the *input device* be "configured to control the pointer in the computer and [be] configured to move the pointer in a continuous path on the display device". Specifically, the writing implement and the pressure plate (the input device 105) must be "configured to control the

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the pointer in the computer and [be] configured to move the pointer in a continuous path on the display device". In contrast to the assertion by the Office, these devices do *not* "control the pointer in the computer", nor are they "configured to move the pointer in a continuous path on the display device [107]". Indeed, the input device does not control the pointer, i.e., writing implement, nor is it configured to move the writing implement in a continuous path on the display device.

The Office has indicated that the display device is the pressure plate 105, and has further indicated that the pointer is the writing implement 104. These are distinct elements required in the claim and cannot both be part of the input device 105, as specified in the Moussa patent, and the distinct elements required by claim 1. Claim construction requires that each element of the claim be consistently interpreted.

Even assuming the writing implement 104 is the pointer as recited in claim 1, as stated above, this writing implement 104 is not *controlled* by the input device 105; rather, it is controlled by the user. Further, the pointer of Moussa, the writing implement 104, is not *in* the computer. It is a peripheral instrument that is attached to the computer and used by the user. The claim language requires control of the pointer by the input device. If the claim language is applied in accordance with interpretation by the Office, the input device would be controlling itself. However, as set forth above, the input device does not control the writing implement, i.e., the pointer, as required by the claim language, even assuming the inconsistent interpretation of the claim elements is correct.

Further, assuming the pressure plate 105 is the display device, the input device "is not configured to move the [writing implement] in a continuous path along the display device" as required in claims 1 and 5. Instead, as stated above, a user operates the writing implement, i.e., pointer, to move it across the pressure plate 105 to sign their name.

The Office further states that the data processor (Fig. 1, element 106) comprises a software applet, "wherein the software applet configures an input pad". In contrast to the Office's assertion, there is no indication that Moussa teaches or suggests a data processor that comprises a software applet that "configures an input pad comprising a data receiving region."

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The data receiving region in the Moussa reference is the pressure plate 105 (which has already been defined as the input device). This pressure plate 105 is a physical object that is attached to the computer, and is not configured by a software applet as required by the claim language.

Further, there is no teaching or suggestion that the data receiving region is defined by a matrix as required in the claim language. To understand the rejection from the Office, the pressure plate 105, which has already been defined as the input device, must now also be defined as the data receiving region. As stated above, claim construction requires consistent interpretation of the elements of the claim, and further, to anticipate a claim, a reference must meet each limitation in the claim. In this instance, the pressure plate 105 is being assigned two different limitations in the claim.

Finally, the Office simply states that the Moussa reference teaches a processing script that receives the "processed input user indicia and stores the user indicia in the storage database". However, the Office fails to support this assertion with any reference in the patent. Applicant has reviewed the Moussa reference and does not agree that this limitation is found in the Moussa reference. If the user indicia is the test signature, this claim limitation is not met as the test signature is not stored in the storage database. Further, if the user indicia is the template signature, only the test features of the template signature *may* be stored in "an associative memory or a data structure with associative memory capabilities." See Moussa, Abstract. Thus, even the stored template signature does not meet this limitation, as the user indicia, i.e., the template signature, is not stored, only features of the template signature which have been determined are stored. See generally, Col. 14, lines 43-67 and Col. 15, lines 1-17.

Regarding claim 15, the Office states that Moussa teaches an input device further comprising an entry member, "wherein the depression of the entry member activates the data input capability of the input device". The Applicant respectfully disagrees. The portions of the patent referenced by the Office directed to the writing implement and pressure plate only state that these elements may "comprise a stylus and a graphic tablet for freehand computer input". Col. 2, lines 42-43. There is no indication that this stylus includes an entry member. The entry member is a separate limitation from the writing implement, yet the Office seems to be

suggesting that the writing implement itself is the entry member. In light of the interpretation of the claim limitations previously set forth by the Office, this limitation cannot be met by the writing implement.

As independent claims 1 and 5 are not anticipated by the Moussa reference, dependent claims 2-4, 6-8, 12 and 14-17 are not anticipated by the Moussa reference. As such, the Applicant contends that these claims are allowable. In addition, claim 16 is not met as Moussa fails to teach a participant computer.

The Office further rejects claims 9-11 and 13 as being unpatentable over Moussa in view of U.S. Patent No. 6,064,751 to Smithies. The Applicant respectfully disagrees and traverses this rejection.

With respect to independent claim 9, the same arguments set forth above apply. Additionally, Moussa does not include "an entry member" on the input device as discussed above. There is nothing in Figure 1 of Moussa that teaches this element other than the writing implement 104, and as discussed above, this element has already been designated as the pointer. As claim construction requires that all the claims be read consistently, the elements of claim 1 must be interpreted the same manner as the elements of claim 9.

Further, Moussa does not teach "depressing the entry member", "compressing the user indicia" or "converting the compressed user indicia to a digital bitmap image" as required by the language of claim 9. Although the Examiner has referenced several columns (col. 4, lines 45-67, col. 5, lines 1-67 and col. 6, lines 1-40), these columns do not teach the required limitations. Indeed, column 4, lines 46-47 state that the "test normalization step 205 may each include a smoothing step, a rotation step, and a resizing step". None of these steps are "depressing the entry member", "compressing the user indicia" or "converting the compressed user indicia to a digital bitmap image". Indeed the resizing step merely scales the input signature to a uniform size (col. 6, lines 20-22); however, there is no indication that the signature is compressed.

Finally, the Office states that Smithies discloses presenting a user an HTML page containing an applet, and states that the motivation for the combination is "to assist in maintaining a single intended use for each act of signing such that a signature submitted on one

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document cannot be used on another". The Applicant respectfully disagrees.

There is no motivation to combine the Smithies reference with the Moussa reference as the Moussa reference is a signature verification system. The verification of the signature is not coupled to a specific document, but rather is a system which verifies that a person "seeking access" to a software program or software controlled device via a current signature of the user attempting to access the restricted system. Thus, a stored, single intended use signature is not contemplated by this system, nor is there a need for such a single intended use signature. Rather, the Moussa system stores features of a template signature that are used to verify that a user currently attempting to obtain access to a restricted system is authorized. There is no comparison or review of a previously signed document. Instead, the features of the template signature of the user are compared to the corresponding features of the current signature offered to obtain access. In this regard, there is no motivation to combine Moussa and Smithies as it is not suggested or supported by the comments in Smithies.

Further, the Smithies reference does not "present[] a user an HTML page containing an applet, wherein the applet configures an input pad having a data receiving region on the display device" as required by the claim language. Indeed, there would be no purpose to provide such a page as the Moussa reference already includes an input pad, namely, the pressure plate 105. Further, if desired, the template signature that is input into the pressure plate could be saved in the database, thereby further supporting Applicant's contention that there is no motivation to combine these references.
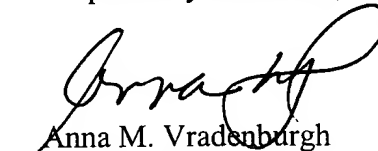
The Smithies reference states that the signature capture module 4 displays a "form or window 20". See Smithies, col. 10, lines 9-11. There is no indication that this is an HTML page containing an applet that "configures an input pad having a data receiving region". Indeed, the Smithies disclosure states that the "signature capture module 4 ... utilizes a set of APIs (Application Program Interfaces) to permit the incorporation of signature capture ... into many different applications" (col. 8, lines 14-17), thereby teaching away from an HTML page containing an applet. Further, the signature capture module 4 "requires the availability of both a graphical display device and a digitizer." Col. 8, lines 28-30. This is contrary to the present

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invention which does not require the use of a digitizer. Indeed, the use of an HTML page containing the applet allows the signature to be captured without the necessity of any further equipment or downloading of software. The Smithies window presupposes a digitizer system as stated in its disclosure, and thus, cannot be an HTML page containing an applet as required by the claim language.

The Applicant believes that the claims are now in condition for allowance. As such, the Applicant respectfully requests that the Office withdraw the rejections and pass the claims onto allowance.

Respectfully submitted,

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